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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 HOWARD NEIL FLYNT,)

17 Defendant.)
18

No.CR 05-00486 MJJ

~~(PROPOSED)~~ ORDER AND
STIPULATION TO CONTINUE STATUS
HEARING AND EXCLUDING TIME
FROM OCTOBER 6, 2005, TO OCTOBER
27, 2005, FROM THE SPEEDY TRIAL
ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

OAKLAND VENUE

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20 The parties are scheduled to appear before the Court on October 6, 2005 at 2:00 p.m. With
21 the agreement of the parties, and with the consent of the defendant, the Court enters this order (1)
22 continuing the hearing for status from October 6, 2005 at 2:00 p.m. to October 27, 2005 at 2:00
23 p.m., before the Honorable Martin J. Jenkins, and (2) documenting the exclusion of time under
24 the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from October 6, 2005 to October 27, 2005.

25 The parties agree, and the Court finds and hold, as follows:

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27 ~~(PROPOSED)~~ ORDER AND STIPULATION TO CONTINUE STATUS HEARING AND
28 EXCLUDING TIME FROM OCTOBER 6, 2005, TO OCTOBER 27, 2005, FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

No.CR 05-00486 MJJ

1 1. Counsel for the defense believes that continuing the hearing for status is in his
2 client's best interest. The defense is still reviewing additional discovery that was received
3 around October 4, 2005; the parties are investigating disposition of the case and expect to be able
4 to resolve the case in the near future.

5 3. The defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to
6 grant the requested continuance would unreasonably deny both government and defense counsel
7 reasonable time necessary for effective preparation, taking into account the exercise of due
8 diligence, and would deny the defendant and the government continuity of counsel. Counsel for
9 the United States will be out of town on the court calendar days of October 13, 2005 and October
10 20, 2005.

11 4. Given these circumstances, the Court finds that the ends of justice served by excluding
12 the period from October 6, 2005 to October 27, 2005, outweigh the best interest of the public and
13 the defendant in a speedy trial. Id. § 3161(h)(8)(A).

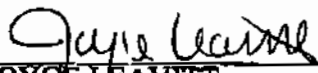
14 5. Accordingly, and with the consent of the defendant, the Court orders that the period
15 from October 6, 2005 to October 27, 2005 be excluded from Speedy Trial Act calculations under
16 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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18 IT IS SO STIPULATED.

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20 DATED: 10/5/05


CANDICE K. JAN
Special Assistant United States Attorney

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23 DATED: 10/5/05


JOYCE LEAVITT
Attorney for HOWARD NEIL FLYNT

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27 ~~PROPOSED~~ ORDER AND STIPULATION TO CONTINUE STATUS HEARING AND
28 EXCLUDING TIME FROM OCTOBER 6, 2005, TO OCTOBER 27, 2005, FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))
No. CR 05-00486 MJJ

1 IT IS SO ORDERED.

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3 DATED: 10/7/2005


HON. MARTIN J. JENKINS
United States District Judge

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27 [PROPOSED] ORDER AND STIPULATION TO CONTINUE STATUS HEARING AND
28 EXCLUDING TIME FROM OCTOBER 6, 2005, TO OCTOBER 27, 2005, FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))
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